

REMARKS

Entry of the amendments to the claims and reconsideration is respectfully requested.

Claims 1, 3-20 are pending in the application. Claims 1, 3-20 stand rejected.

Claims 1, 7, 10 and 20 have been amended herein to clarify applicant's claimed invention. No new matter is entered. Support for the amendments may be found at least on page 4, lines 13-15 ("[e]ach of the channel cluster modules present in the network control nodes has one of these 128 carriers assigned to it").

The Advisory Action states that applicant relies on features that are not recited in the claims (i.e., FDM (Frequency Division Multiplexing)).

Applicant respectfully disagrees that the claims do not refer to FDM in that one skilled in the art would recognize that the carrier modules transmitting on a carrier frequency would imply an FDM method. However, applicant has amended the independent claims to more clearly recite that the channel cluster modules transmit signals on a carrier selected from a plurality of known frequencies. In this way, applicant believes that the claims, as amended, now explicitly recite an FDM method for carrier frequency selection.

With regard to the rejection of the claims under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,619,500 to Hiekali in view of U.S. Patent No. 5,426,636 to Hiller et al. ("Hiller"), applicant repeats the arguments made in a prior response that Hiekali teaches transmission via one or more T1 channels and T1 channels represent a Time Division Multiplexing method of transmitting data. Hence, Hiekali fails to teach

selecting a different carrier frequency from a plurality of carrier frequencies, as is now recited in the claims.

Similarly, Hiller relates to standard time division multiplexing of T1 lines (col. 27, line 41: "time multiplexed switch"; col. 40, line 6: "time slots", line 8: multiplexed DS0 bit streams").

Accordingly, there is no suggestion in either of Hiekali or Hiller with regard to channel cluster modules each arranged for transmitting downstream signals on a respective carrier frequency selected from a plurality of known carrier frequencies.

The MPEP 2143 requires to establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

As shown, neither references teaches or suggestions using an FDM method for assigning carrier frequencies. Hence, the claims as amended are not rendered obvious over the cited references.

For at least all of the above reasons, the proposed combination of prior art does not render obvious the invention claimed in claim 1, for example, as the combination of prior art does not meet all of the limitations of the invention as recited in claim 1.

Claims 3-6 and 8 depend from claim 1 and are likewise patentable over the applied references for at least the above mentioned reasons.

Claims 7, 10 and 20, each recite subject matter similar to that recited in claim 1, and are also not rendered obvious for the same reasons recited with regard to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

The remaining claims depend from the independent claims and are also allowable by virtue of their dependency upon an allowable base claim. Withdrawal of the rejection of these claims is respectfully requested.

In view of the above analysis, it is respectfully submitted that the referenced teachings, whether taken individually or in combination, fail to render obvious the subject matter of any of the present claims. It is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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